



## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Board for Contractors
<b>Virginia Administrative Code (VAC) citation</b>	18VAC50-22
<b>Regulation title</b>	Board for Contractors Regulations
<b>Action title</b>	General Review
<b>Date this document prepared</b>	May 16, 2008

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

The Board intends to conduct a general review of its regulations including, but not limited to, the definitions, entry requirements, renewal and reinstatement requirements, and standards of practice and conduct. The proposed amendments will respond to changes in the industry and address concerns brought to the Board by its regulants and the public.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Section 54.1-1102 of the Code of Virginia provides the authority for the Board to promulgate regulations for the licensure of contractors in the Commonwealth. The content of the regulations is pursuant to the Board's discretion, but shall not be in conflict with the purposes of the statutory authority.

## Need

*Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.*

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Recent statutory changes, as well as changes in the industry, warrant review and promulgation of regulations to ensure that they accurately reflect current requirements and standards and that they are consistent and clear. Ensuring that the regulations are as clear as possible will facilitate the regulations' compliance with the statutes and Board's requirements, which will better protect the health, safety, and welfare of the public.

## Substance

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.*

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General clarifying changes to the regulations. Also amending the Board's regulations as they relate to water well contractors to incorporate statutory changes that established water well systems provider certification. The Board will also review the renewal and reinstatement requirements to address issues related to individual license and certification and trades-related contractors whose qualified individuals no longer have current licenses. In addition, the following are to be reviewed:

18 VAC 50-22-30 (Definitions of specialty services): The Board will determine if changes in the industry warrant the addition, deletion, or modification of specialties.

18 VAC 50-22-40(B), 18 VAC 50-22-50(C), and 18 VAC 50-22-60(C): The Board will explore the possibility of amending the eligibility criteria to require that qualified individuals successfully complete a technical examination in order to demonstrate a minimum level of competency in the applicable specialty or classification.

18 VAC 50-22-260(B): The Board will use statistical data to determine if any changes to these provisions would be appropriate.

Any other changes which may be necessary may also be considered.

## Alternatives

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.*

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There are no alternatives for amendments necessary due to statutory changes. At this time, no alternative has been determined for qualified individuals to demonstrate a minimum level of competency in the applicable specialty or classification, nor has an alternative been determined for addressing issues

related to individual license and certification and trades-related contractors whose qualified individuals no longer hold current licenses. It is likely that many alternatives will be presented during the public comment periods. The Board will consider any and all comments received during the comment periods as to any proposed alternatives.

### Public participation

*Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.*

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives, and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so by mail, email or fax to Eric Olson, c/o Department of Professional and Occupational Regulation, 9960 Mayland Drive, Suite 400, Richmond, Virginia 23233; email: [contractor@dpor.virginia.gov](mailto:contractor@dpor.virginia.gov); fax (804) 527-4401. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

A public hearing will not be held.

### Participatory approach

*Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.*

The Board is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

### Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and*

*one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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No family impact has been identified.